

SB2175



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2175

Introduced 2/14/2008, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1106.1
30 ILCS 805/8.32 new

Amends the Counties Code. Provides that, if any county officer makes public records or form documents available over the internet, those records and documents must be available to the user free of charge. Preempts home rule powers. Amends the State Mandates Act to require implementation without reimbursement by the State.

LRB095 19295 HLH 45586 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing Section
5 5-1106.1 as follows:

6 (55 ILCS 5/5-1106.1)

7 Sec. 5-1106.1. Public records; Internet access.

8 (a) Any county may provide Internet access to public
9 records maintained in electronic form. This access shall be
10 provided at no charge to the public. Any county that provides
11 public Internet access to records maintained in electronic form
12 may also enter into a contractual arrangement for the
13 dissemination of the same electronic data in bulk or compiled
14 form.

15 (b) (blank) ~~For the purposes of this Section, "electronic~~
16 ~~data in bulk form" is defined as all, or a significant subset,~~
17 ~~of any records to which the public has free Internet access, as~~
18 ~~is and without modification or compilation; and "electronic~~
19 ~~data in compiled form" is defined as any records to which the~~
20 ~~public has free Internet access but that has been specifically~~
21 ~~selected, aggregated, or manipulated and is not maintained or~~
22 ~~used in the county's regular course of business.~~

23 (c) (blank) ~~If, but only if, a county provides free~~

1 ~~Internet access to public records maintained in electronic~~
2 ~~form, the county may charge a fee for the dissemination of the~~
3 ~~electronic data in bulk or compiled form, but the fee may not~~
4 ~~exceed 110% of the actual cost, if any, of providing the~~
5 ~~electronic data in bulk or compiled form.~~

6 ~~The fee must be paid to the county treasurer and deposited~~
7 ~~into a fund designated as the County Automation Fund; except~~
8 ~~that in counties with a population exceeding 3,000,000, the fee~~
9 ~~shall be paid into a fund designated as the Recorder's~~
10 ~~Automation Fund.~~

11 ~~(d) The county must make available for public inspection~~
12 ~~and copying an itemization of the actual cost, if any, of~~
13 ~~providing electronic data in bulk or compiled form, including~~
14 ~~any and all supporting documents. The county is prohibited from~~
15 ~~granting to any person or entity, whether by contract, license,~~
16 ~~or otherwise, the exclusive right to access and disseminate any~~
17 ~~public record.~~

18 (e) Notwithstanding any other provision of law, beginning
19 on the effective date of this amendatory Act of the 95th
20 General Assembly, if any county officer makes public records or
21 form documents available over the internet, those records and
22 documents must be available to the user free of charge. A home
23 rule unit may not regulate the availability of public documents
24 in a manner that is inconsistent with this subsection. This is
25 a denial and limitation of home rule powers and functions under
26 subsection (h) of Section 6 of Article VII of the Illinois

1 Constitution.

2 (Source: P.A. 93-362, eff. 7-24-03.)

3 Section 10. The State Mandates Act is amended by adding
4 Section 8.32 as follows:

5 (30 ILCS 805/8.32 new)

6 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
7 of this Act, no reimbursement by the State is required for the
8 implementation of any mandate created by this amendatory Act of
9 the 95th General Assembly.